



31 AUG 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

In re Application of DEL PRADO PAVON et al :
U.S. Application No.: 10/532,748 :
PCT Application No.: PCT/IB03/04567 :
Int. Filing Date: 10 October 2003 : DECISION
Priority Date Claimed: 17 October 2002 :
Attorney Docket No.: US020396 :
For: A SCHEDULER SYSTEM AND METHOD :
THEREOF :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 26 April 2005.

BACKGROUND

On 10 October 2003, applicant filed international application PCT/IB03/04567, which claimed priority of an earlier United States application filed 17 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 29 April 2004. The thirty-month period for paying the basic national fee in the United States expired on 17 April 2005.

International application PCT/IB03/04567 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 April 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 10 October 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 April 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459